

To be inserted between pages 248 & 249.

**Comm 62.1200 Carbon monoxide alarms.** These are department rules in addition to the requirements in IBC chapter 12: (1) DEFINITIONS. In this section:

(a) “Dwelling unit” has the meaning as given in s. 101.61 (1), Stats.

**Note: Section 101.61 (1) reads: “Dwelling unit” means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.**

(b) “Fuel–burning appliance” means a device that is installed in a building and burns fossil–fuel or carbon based fuel where carbon monoxide is a combustion by–product, including stoves, ovens, grills, clothes dryers, furnaces, boilers, water heaters, heaters, fireplaces and stoves.

(c) “Residential building” has the meaning as given in s. 101.149 (1) (b), Stats.

**Note: Section 101.149 (1) (b) reads: “Residential building” means a tourist rooming house, a bed and breakfast establishment, or any public building that is used for sleeping or lodging purposes. “Residential building” does not include a hospital or nursing home.**

(d) “Sealed combustion appliance” means a listed appliance that acquires all air for combustion through a dedicated sealed passage from the outside to a sealed combustion chamber and all combustion products are vented to the outside through a separate dedicated sealed vent.

(e) “Sleeping area” has the meaning as given in s. 101.145 (1) (b), Stats.

**Note: Section 101.145 (1) (b) reads: “Sleeping area” means the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.**

(2) INSTALLATION. (a) 1. Listed and labeled carbon monoxide alarms or detectors shall be installed at locations specified in s. 101.149 (2), Stats., and maintained in accordance with s. 101.149 (3), Stats., in buildings, including buildings existing on October 1, 2008, which are residential buildings or include residential buildings, and contain fuel–burning appliances, except as provided in subd. 4.

**Note: Section 101.149 (2) and (3), Stats., reads:**

**(2) INSTALLATION REQUIREMENTS. (a) Except as provided in par. (b), the owner of a residential building shall install a carbon monoxide detector in all of the following places not later than the date specified under par. (c):**

1. In the basement of the building if the basement has a fuel-burning appliance.
  2. Within 15 feet of each sleeping area of a unit that has a fuel-burning appliance.
  3. Within 15 feet of each sleeping area of a unit that is immediately adjacent to a unit that has a fuel-burning appliance.
  4. In each room that has a fuel-burning appliance and that is not used as a sleeping area. A carbon monoxide detector shall be installed under this subdivision not more than 75 feet from the fuel-burning appliance.
  5. In each hallway leading from a unit that has a fuel-burning appliance, in a location that is within 75 feet from the unit, except that, if there is no electrical outlet within this distance, the owner shall place the carbon monoxide detector at the closest available electrical outlet in the hallway.
- (b) If a unit is not part of a multiunit building, the owner of the residential building need not install more than one carbon monoxide detector in the unit.
- (c) 1. Except as provided under subd. 2., the owner of a residential building shall comply with the requirements of this subsection before the building is occupied.
2. The owner of a residential building shall comply with the requirements of this subsection not later than April 1, 2010, if construction of the building was initiated before October 1, 2008, or if the department approved the plans for the construction of the building under s. 101.12, Stats., before October 1, 2008.
- (d) Any carbon monoxide detector that bears an Underwriters Laboratories, Inc., listing mark or similar mark from an independent product safety certification organization satisfies the requirements of this subsection.
- (e) The owner shall install every carbon monoxide detector required by this subsection according to the directions and specifications of the manufacturer of the carbon monoxide detector.
- (3) MAINTENANCE REQUIREMENTS. (a) The owner of a residential building shall reasonably maintain every carbon monoxide detector in the residential building in the manner specified in the instructions for the carbon monoxide detector.
- (b) An occupant of a unit in a residential building may give the owner of the residential building written notice that a carbon monoxide detector in the residential building is not functional or has been removed by a person other than the occupant. The owner of the residential building shall repair or replace the nonfunctional or missing carbon monoxide detector within 5 days after receipt of the notice.
- (c) The owner of a residential building is not liable for damages resulting from any of the following:
1. A false alarm from a carbon monoxide detector if the carbon monoxide detector was reasonably maintained by the owner of the residential building.
  2. The failure of a carbon monoxide detector to operate properly if that failure was the result of tampering with, or removal or destruction of, the carbon monoxide detector by a person other than the owner or the result of a faulty alarm that was reasonably maintained by the owner as required under par. (a).

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2. The installation of carbon monoxide alarms or detectors in accordance with s. 101.149 (2) and (3), Stats., shall be throughout the entire building where a portion of the building includes a residential building.
3. The installation of carbon monoxide alarms or detectors in adjacent units required under s. 101.149 (2) (a) 3., Stats., shall apply to those units located on the same floor level.
4. The 75-foot installation limit specified under s. 101.149 (2) (a) 5., Stats., shall be measured from the door of the unit along the hallway leading from the unit.
5. The installation of carbon monoxide alarms or detectors is not required in buildings if construction of the building was initiated before October 1, 2008, or if the department approved the plans for the construction of the building under s. Comm 61.30, provided the building does not have an attached enclosed garage and either of the following circumstances applies:
  - a. All of the fuel-burning appliances in the building are of a sealed-combustion type that are covered by the manufacturers' warranties against defects.
  - b. All of the fuel-burning appliances in the building are of sealed-combustion type that are inspected in accordance with sub. (3) or rules promulgated by the department of health services under s. 254.74 (1) (am), Stats.
- (b) 1. Carbon monoxide alarms shall conform to UL 2034.
2. Carbon monoxide alarms shall be listed and labeled identifying conformance to UL 2034.
3. Carbon monoxide detectors and sensors as part of a gas detection or emergency signaling system shall conform to UL 2075.
- (c) Carbon monoxide alarms to be installed in a building shall be wired to the building's electrical service and include battery secondary power supplies, if either of the following conditions applies:
  1. Plans for the construction of the building were submitted for review under s. Comm 61.30 on or after October 1, 2008.
  2. Construction of the building was initiated on or after October 1, 2008, if plans were not required to be submitted and approved under s. Comm 61.30.
- (d) Carbon monoxide alarms to be installed within a dwelling unit shall be interconnected so that activation of one alarm will cause activation of all alarms within the dwelling unit, if either of the following conditions applies:
  1. Plans for the construction of the building were submitted for review under s. Comm 61.30 on or after October 1, 2008.
  2. Construction of the building was initiated on or after October 1, 2008, if plans were not required to be submitted and approved under s. Comm 61.30.

**(3) INSPECTION OF SEALED COMBUSTION APPLIANCES.** (a) The owner of a building or their agent shall arrange the inspection of sealed combustion appliances and the vents and chimneys serving the appliances under sub. (2) (a) 5. b.

(b) Pursuant to sub. (2) (a) 5. b., the inspection of the sealed combustion appliances, vents and chimneys shall be for the purpose of determining carbon monoxide emission levels.

(c) Pursuant to sub. (2) (a) 5. b., the inspection of the sealed combustion appliances, vents and chimneys shall be performed at least once a year.

(d) For the propose of sub. (2) (a) 5. b., the inspection of the sealed combustion appliances, vents and chimneys shall be performed by an individual who holds a certification issued under s. Comm 5.73 as an HVAC qualifier.

(e) If upon inspection, the carbon monoxide emissions from a fuel burning appliance, vent or chimney are not within manufacturer's specifications, the appliance may not be operated until repaired or carbon monoxide alarms or detectors are installed in accordance with s. 101.149 (2) and (3), Stats.

(4) ORDERS. Pursuant to s. 101.149 (6) (b), Stats., the department may issue orders for a violation of the provisions of this section.

(5) PENALTIES. Violation of the provisions of this section shall be subject to the penalties provided under s. 101.149 (8), Stats.

**Note: Section 101.149 (8), Stats., reads:**

**(8) PENALTIES. (a) If the department of commerce or the department of health services determines after an inspection of a building under this section or s. 254.74 (1g) that the owner of the building has violated sub. (2) or (3), the respective department shall issue an order requiring the person to correct the violation within 5 days or within such shorter period as the respective department determines is necessary to protect public health and safety. If the person does not correct the violation within the time required, he or she shall forfeit \$50 for each day of violation occurring after the date on which the respective department finds that the violation was not corrected.**

**(b) If a person is charged with more than one violation of sub. (2) or (3) arising out of an inspection of a building owned by that person, those violations shall be counted as a single violation for the purpose of determining the amount of a forfeiture under par. (a).**

**(c) Whoever violates sub. (4) is subject to the following penalties:**

- 1. For a first offense, the person may be fined not more than \$10,000 or imprisoned for not more than 9 months, or both.**
- 2. For a 2nd or subsequent offense, the person is guilty of a Class I felony.**